



Paper No. 10

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OFFICE OF PETITIONS

In re Application of
Sierra et al.
Application No. 09/924,156
Filed: August 7, 2001
Attorney Docket No. 11325-84822

:
: DECISION GRANTING PETITION
: AND ACCORDING STATUS UNDER
: 37 CFR 1.47(a)
:

This decision concerns the renewed petition under 37 CFR 1.47(a), filed on September 19, 2002.

The petition is **GRANTED**.

The April 12, 2002 petition under 37 CFR 1.147(a) was dismissed on July 23, 2002 for failing to show that a copy of the entire application (specification including claims; drawings) had been provided to the non-signing inventor, Kathleen I. McMillan ("McMillan"), before concluding that she refused to join in this application.

The instant renewed petition includes a declaration by a Dona-Maria Dean, assistant to one of the joint-inventors, clarifying that a copy of the entire application papers, including the specification (with claims) and the drawings, was indeed mailed to McMillan on November 30, 2001. Moreover, the Sierra Declaration enclosed with the April 12, 2002 petition points out that during a telephone inquiry from Sierra on March 7, 2002, McMillan confirmed receipt of the application papers and expressly refused to sign the papers.

In view of the above, the Office concludes that a *bona fide* attempt has been made to present to McMillan, for review and signature, a copy of the entire application papers, and that McMillan nevertheless refused to join in this application. The §1.47(a) petition is thus granted.

No fee is owed.

The "Joint Declaration for Patent Application" submitted with the April 12, 2002 petition ("4/12/02 Declaration") is hereby accepted.

The application is now complete.

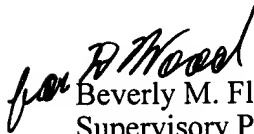
As provided in 37 CFR 1.47(c), the Office will forward notice of the filing of this application to McMillan at her last known address provided in the petition:

1958 Main Street
Concord, MA 01742

Notice of the filing of this application will also be published in the *Official Gazette*.

The application is being returned to the Office of Initial Patent Examination for further processing with respect to the 4/12/02 Declaration, and for issuance of a filing receipt if one has not been mailed. Thereafter, the application will be forwarded to the appropriate Technology Center for examination in due course.

Telephone inquiries should be directed to Petitions Attorney RC Tang at (703) 308-0763.


Beverly M. Flanagan
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Office of the Commissioner
for Patents